

## **SEX OFFENDER SENTENCING UNDER RCW 9.94A.712**

During the 2001 Second Special Session, the Legislature enacted 3ESSB 6151 – The Management of Sex Offenders in the Civil Commitment and Criminal Justice Systems. Essentially, any offender, who is not a persistent offender, who is sentenced for any one of the offenses enumerated in RCW 9.94A.712(1)(a)(i) or (ii), or an attempt to commit any of those offenses, or is convicted of any sex offense, except failure to register, and has a prior conviction for a “two-strike” offense under RCW 9.94A.030(32)(b), is to receive an indeterminate sentence. The only exception is for offenders seventeen years old or younger at the time of the offense who are sentenced for rape of a child in the first degree, rape of a child in the second degree or child molestation in the first degree.

The minimum term of the sentence is to be set in the standard range, according to the seriousness level of the offense and the offender score. The minimum term may also constitute an exceptional sentence as provided by RCW 9.94A.535. The maximum term is the statutory maximum sentence for the offense. Offenders sentenced to an indeterminate sentence are eligible for earned release pursuant to RCW 9.94A.728, have the opportunity for sex offender treatment while incarcerated and are eligible for the Special Sex Offender Sentencing Alternative as provided in RCW 9.94A.670. Additionally, all sentences under this scheme are to be served in prison, regardless of the length of the sentence.

Offenders sentenced under the indeterminate scheme fall under the purview of the Indeterminate Sentence Review Board through the maximum term of the sentence. Those released from prison will be supervised by the Department of Corrections and will remain on community custody through the maximum term of the sentence.

The bill also creates the offense of sexually violent predator escape, ranking it at seriousness level X on the adult felony sentencing grid and establishing a mandatory minimum sentence of 60 months.

Additionally, the bill expands the definitions of sexual misconduct of a minor in the first and second degree, reclassifies several offenses as Class A felonies and classifies attempts to commit any of a list of enumerated offenses as Class A felonies.

**Table 18. Fiscal Year 2002**  
**"Determinate Plus" Sex Offender Sentences by County**

County of Sentence	FELONY CLASS OF QUALIFYING OFFENSE			Total ".712" Sentences
	Class A Supervision to Life	Class B Supervision to 10 yrs.	Class C Supervision to 5 yrs.	
Adams	1			1
Asotin				0
Benton	1			1
Chelan				0
Clallam				0
Clark	2			2
Columbia				0
Cowlitz	2			2
Douglas				0
Ferry				0
Franklin				0
Garfield				0
Grant	1			1
Grays Harbor	1			1
Island				0
Jefferson				0
King	3			3
Kitsap	3		1	4
Kittitas				0
Klickitat				0
Lewis				0
Lincoln				0
Mason	1			1
Okanogan	1			1
Pacific	1			1
Pend Oreille	1			1
Pierce	6			6
San Juan				0
Skagit				0
Skamania				0
Snohomish	2			2
Spokane				0
Stevens				0
Thurston	1			1
Wahkiakum				0
Walla Walla				0
Whatcom				0
Whitman	1			1
Yakima				0
<b>Total</b>	<b>28</b>	<b>0</b>	<b>1</b>	<b>29</b>